

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of N.W. and C.W., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

KAREN WEARY,

Respondent-Appellant.

UNPUBLISHED
February 14, 2003

No. 241713
Oakland County Circuit Court
Family Division
LC No. 99-629765-NA

Before: Saad, P.J., and Zahra and Schuette, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i) and (g). We affirm.

Respondent argues, incorrectly, that the trial court erred by failing to place the statutory basis for its decision to terminate her parental rights in its written order. MCR 5.974(G) requires the trial court to state its findings of fact and conclusions of law, including the statutory basis for a termination order, either on the record or in writing.. Here, the trial court placed its findings of fact and conclusions of law, including the statutory grounds for its termination order, on the record. These findings were more than sufficient to advise respondent of the basis of its decision. Accordingly, the trial court complied with the requirements of MCR 5.974(G).

Also, the trial court did not clearly err in finding that statutory grounds for termination were established by clear and convincing evidence. MCR 5.947(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The trial court was presented with substantial evidence that: (1) respondent improperly maintained a relationship with Myron Pullin throughout the pendency of these proceedings and this relationship posed a serious risk to her children; (2) respondent failed to comply with numerous provisions of the Parent/Agency Agreement, including agreements that she maintain suitable housing, complete substance abuse treatment and provide drug screens, complete counseling and maintain regular visitation with her children; and (3) respondent failed to provide proper care and custody of her children and would be unable to do so within a reasonable time given the children's ages.

Further, the evidence overwhelmingly demonstrated that termination of respondent's parental rights is clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Thus, the trial court correctly terminated respondent's parental rights to the children.

Affirmed.

/s/ Henry William Saad

/s/ Brian K. Zahra

/s/ Bill Schuette